

### **REMARKS**

The Office Action of July 25, 2006 has been received and carefully reviewed. Applicants note with appreciation the indication in the Office Action that claims 6, 8, 10, 16, 18, and 20 would be allowable if rewritten in independent form. As the corresponding base independent claims 1 and 11 and the other dependent claims 2-5, 7, 9, 12-15, 17, and 19 are also believed to be allowable, Applicants submit that claims 6, 8, 10, 16, 18, and 20 are in condition for allowance in the current dependent form. Reconsideration of pending claims 1-20 is respectfully requested in view of the following remarks.

#### **I. REJECTION OF CLAIMS 1-5, 7, 9, 11-15, 17, AND 19 UNDER 35 U.S.C. §103**

Claims 1- 5, 7, 9, 11-15, 17, and 19 were rejected as being unpatentable over Gilhousen 6,157,668. Reconsideration and withdrawal of these claim rejections is respectfully requested under 35 U.S.C. §103 for at least the following reasons.

Independent claim 1 is directed to a method for cell switching by system equipment of a wireless communication system, in which the system equipment determines whether received information is coded information indicating a mobile's intent to switch from a serving system equipment to a particular target system equipment identified by the coded information that contains channel measurement adjustment information for the serving system equipment. In the method of independent claim 11, the mobile transmits coded information that indicate the mobile's intent to switch from its serving system equipment to a target system equipment identified by the coded information that contains channel measurement adjustment information for the serving system equipment.

Prior to Applicants' invention, a serving base station had to determine whether a given frame received from the mobile was a switch frame (Applicants' Fig. 1) indicating that the mobile wants to switch to a target cell having the particular cover code and thus wishes to commence a switching procedure, where detecting the existence of a switch frame required the serving base station to process up to 208 waveforms, as set forth in Applicants' specification at pages 6 and 7. This complex switch frame detection heretofore increased the likelihood of not detecting the switch frame, because of which the mobile may be forced to increase its transmit power to compensate for the unreliability of reception at the base station. In addition, the use of the first four slots of

the conventional switch frame for carrier-to-interference (C/I) information related to the target base station reduced the amount of adjustment information that would be normally transmitted in non-switch frames, whereby the prior approach limited the ability of the serving base station to properly serve the migrating mobile during cell switching.

In the methods of the pending claims, the mobile provides, and the system equipment receives, coded information that both indicates a target system equipment for a handoff and includes channel measurement adjustment information for the serving system equipment, where Applicants' Fig. 4 illustrates an example of such a frame. Moreover, ***the coded information of independent claims 1 and 11 indicates a mobile's intent to switch from the serving system equipment to a particular target system equipment identified by the coded information.*** Since the coded information transmitted by the mobile is interpreted by the network equipment as the mobile's intent to switch cells and because the coded information contains information indicating to which cell the mobile wants to switch, the amount of switch processing performed by the serving system equipment can be significantly reduced. ***This feature is neither taught nor suggest by Gilhausen.*** Reconsideration and withdrawal of the rejections are therefore requested under 35 U.S.C. § 103 for at least this reason. The Office Action cites to col. 2, lines 6-28 of Gilhausen, which is reproduced below:

When communications are initially established, a mobile unit communicates through a first base station and the Active Set contains only the first base station. The mobile unit monitors the pilot signal strength of the base stations of the Active Set, the Candidate Set, and the Neighbor Set. **When a pilot signal of a base station in the Neighbor Set exceeds a predetermined threshold level, the base station is added to the Candidate Set and removed from the Neighbor Set at the mobile unit. The mobile unit communicates a message to the first base station identifying the new base station. A system controller decides whether to establish communication between the new base station and the mobile unit.** Should the system controller decide to do so, the system controller sends a message to the new base station with identifying information about the mobile unit and a command to establish communications therewith. A message is also transmitted to the mobile unit through the first base station. The message identifies a new Active Set that includes the first and the new base stations. The mobile unit searches for the new base station transmitted information signal and communication is established with the new base station without termination of

communication through the first base station. This process can continue with additional base stations.

(Gilhausen col. 2, lines 6-28, emphasis added). Clearly, the message from the mobile unit to the first base station in this cited portion of Gilhausen does not include coded information that indicates a mobile's intent to switch from the serving system equipment to a particular target system equipment identified by the coded information. Rather, the message referred to in Gilhausen merely indicates that a pilot signal of a base station in the Neighbor Set exceeds a predetermined threshold level. Based on this, the system controller decides whether to establish communication between the new base station and the mobile unit. Thus, the message from the mobile in Gilhausen indicates at most that a base station in the Neighbor Set may be available or suitable for switchover, but in no way indicates any "intent" of the mobile with respect to switching. Rather, the mobile in Gilhausen does not appear to be involved in the decision of when and to where a switchover will occur, wherein the above referenced section of Gilhausen explicitly indicates that the system controller decides whether to establish communication between the new base station and the mobile unit, as acknowledged in the Office Action. Thus, the system of Gilhausen would not appear operable to persons of ordinary skill in the art for mobiles that make switchover decisions, and certainly does not provide any suggestion or motivation for the claimed invention. For this reason, therefore, independent claims 1 and 11, as well as dependent claims 2-5, 7, 9, 12-15, 17, and 19 are patentably distinct from Gilhausen. In addition, the coded information of independent claims 1 and 11 further provides channel measurement adjustment information so as to avoid interrupting the flow of such adjustment information from the mobile to the serving system equipment. This is clearly neither taught nor reasonably suggested by Gilhausen, as acknowledged in the Office Action, whereby this reference fails to render independent claims 1 and 11 obvious for this additional reason. Applicants therefore respectfully request reconsideration and withdrawal of the rejections of claims 1- 5, 7, 9, 11-15, 17, and 19 under 35 U.S.C. § 103.

## **II. CLAIM OBJECTIONS AND ALLOWABLE SUBJECT MATTER**

Claims 6, 8, 10, 16, 18, and 20 were objected to on pages 4 and 5 of the Office Action as being dependent upon a rejected base claim, but were indicated as being allowable if rewritten in independent form including all of the limitations of the base

claim and any intervening claims. As per the above remarks, the base independent claims 1 and 11 are not rendered obvious by Gilhousen and therefore claims 6, 8, 10, 16, 18, and 20 are believed to be in condition for allowance in their current dependent form, wherein reconsideration and withdrawal of the objections thereof is respectfully requested.

**CONCLUSION**

For at least the above reasons, the currently pending claims are believed to be in condition for allowance and notice thereof is requested.

Should the Examiner feel that a telephone interview would be helpful to facilitate favorable prosecution of the above-identified application, the Examiner is invited to contact the undersigned at the telephone number provided below.

Should any fees be due as a result of the filing of this response, the Commissioner is hereby authorized to charge the Deposit Account Number 06-0308, LUTZ200437.

Respectfully submitted,

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8/30/06

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